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PATENT
ATTORNEY'S DOCKET NO.: B0751/7025

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Richard A. Gambale et al.
Serial No.: 10/658,619
Filed: September 8, 2003
For: TISSUE CAPTURING DEVICES
Examiner: Jessica R. Baxter
Art Unit: 3731

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on November 24, 2004.

Signature Julie A Bowen

Julie A Bowen
(Name) Please print

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 C.F.R. §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the applicant requests consideration of this information disclosure statement.

Compliance with 37 C.F.R. §1.97

This information disclosure statement has been filed more than three months after the filing date of this application and before the mailing date of a first office action on the merits in the above-identified application.

The applicant hereby certifies, as specified in 37 C.F.R. §1.97(e), that each item of information contained in this information disclosure statement was cited in

a communication from a foreign patent office in a counterpart for this application not more than three months prior to the filing of this statement. No fee is required.

Information Cited

The applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the relative importance of the references.

Remarks

A copy of each of the above-identified information is enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

- The examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
- The enclosed form PTO-1449 be signed by the examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
- The citations for the information be printed on any patent which issues from this application.

By submitting this information disclosure statement, the applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

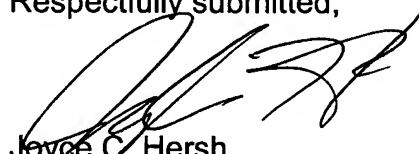
By submitting this information disclosure statement, the applicant makes no representation that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this information disclosure statement, the applicant makes no

representation that the information cited in the statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

It is understood by applicant that the foregoing information will be considered and, to the extent deemed appropriate by the examiner, will be reflected in the examiner's communication.

Respectfully submitted,



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Date: November 24, 2004



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Confirmation No.: 2554

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Name (please print)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing are the following documents:

- ☒ Information Disclosure Statement
- ☒ PTO Form 1449
- ☒ International Search Report
- ☒ Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned collect at (617) 261-3100, Boston, Massachusetts.

No fee is believed due with this filing. Please charge any fees or credits to the account of the undersigned, Deposit Account No. 50-1721, reference 0506766/0216. A duplicate of this sheet is enclosed for accounting purposes.

Respectfully submitted,

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